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11 Attorneys for Defendant
12 Otto Trucking LLC

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

Waymo LLC,

16 Plaintiff,

17 v.

18 Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

19 Defendants.
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Case No. 3:17-cv-00939-WHA

**DECLARATION OF HAYES P. HYDE IN
SUPPORT OF PLAINTIFF WAYMO
LLC'S COMPREHENSIVE
ADMINISTRATIVE MOTION TO SEAL
AND DEFENDANTS UBER
TECHNOLOGIES, INC., OTTOMOTTO
LLC, AND OTTO TRUCKING LLC'S
COMPREHENSIVE ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PURSUANT TO COURT ORDER (DKT.
2653)**

Judge: Hon. William Alsup

1 I, Hayes P. Hyde, declare as follows:

2 I am an attorney at the law firm of Goodwin Procter, LLP. I make this declaration based
3 upon matters within my own personal knowledge and if called as a witness, I could and would
4 competently testify to the matters set forth herein. I make this declaration in support of Waymo's
5 Comprehensive Administrative Motion to File Under Seal (Dkt. 2664) and Defendants Uber
6 Technologies Inc., Ottomotto LLC, and Otto Trucking LLC's Comprehensive Administrative
7 Motion to File Under seal (Dkt. 2663) filed pursuant to Court Order [Dkt. 2653]
8 ("Comprehensive Administrative Motion"). As stated in Defendants' Comprehensive
9 Administrative Motion, multiple documents or portions of documents have been grouped into
10 categories of information as described below.

11 **CATEGORIES OF SEALABLE INFORMATION**

12 1. **CORPORATE OPERATIONAL PROCEDURES AND ADMINISTRATION:**

13 These documents or portions thereof include sensitive business information relating to Otto
14 Trucking's internal operations and corporate policies and regulatory procedures. Otto Trucking is
15 a private corporation whose confidential business structure and operational procedures are not
16 public information. There is no public interest in this information, which, if made public, would
17 threaten the economic advantage in the highly competitive industry of autonomous vehicles.

18 2. **CORPORATE STRUCTURE AND AGREEMENTS:** These documents or
19 portions thereof include sensitive business information relating to negotiations and
20 implementation of the terms of Otto Trucking's agreements. Otto Trucking is a private corporation
21 and its agreements were entered into under terms of confidentiality and non-disclosure. There is
22 no public interest in this information, which, if made public, would threaten the economic
23 advantage of Otto Trucking in the highly competitive industry of autonomous vehicles.

24 3. **CORPORATE ASSETS AND TECHNICAL INFORMATION:** These
25 documents or portions thereof include sensitive business information relating to Otto Trucking's
26 daily operations, specific assets, and technology it uses. Otto Trucking is a private corporation
27 whose confidential operations are not public information. Disclosure of this information would
28 threaten the competitive and economic advantage of Otto Trucking in the highly competitive

1 industry of autonomous vehicles.

2 4. **SHAREHOLDER INDIVIDUAL PERSONAL INFORMATION:** These
3 documents or portions thereof include personal contact and financial information of Otto
4 Trucking's shareholders and officers. This personal information includes names, addresses,
5 personal compensation and financial interest in Otto Trucking. The Court has regularly granted
6 sealing of this type of information (*See, e.g.* Dkt. 2393 at 9, Dkt. 2387 at 2:18 and 2:22-24. There
7 is no public interest in the disclosure of personal contact information or financial information,
8 which threatens the privacy interests of these individuals and could lead to harassment or other
9 harm. The media has taken an intense interest in this case and often publishes documents and
10 filings online immediately after they are filed. If personal contact and financial information are
11 made public, these individuals' privacy, safety, and well-being would be threatened with no
12 corresponding public benefit.

13 5. **THIRD PARTY VENDOR INFORMATION:** These documents or portions
14 thereof contain the names and contact information of third party vendors whose confidentiality is
15 imperative. The names of these third parties, the terms of the related deals, and the nature of the
16 relationships between Otto Trucking and these third parties must remain confidential for Otto
17 Trucking to maintain its competitive advantage in this highly competitive industry. There is no
18 public interest in this information.

19 6. In response to the Court's Order Denying Administrative Motions to File Under
20 Seal, Otto Trucking undertook a careful review of the previously filed materials in light of the
21 information that has been made public over the course of this litigation. Consequently, Otto
22 Trucking's designations are more narrowly tailored. Under both the "compelling reasons" and
23 "good cause" standards which the Ninth Circuit considers in determining whether material is
24 sealable, the documents or portions thereof identified by Otto Trucking merit sealing. Pursuant to
25 Civil Local Rule 79-5(b), I have confirmed that these documents are "narrowly tailored to seek
26 sealing of only sealable material."

27
28 I declare under penalty of perjury under the laws of the United States that the foregoing is

1 true and correct. Executed this 9th day of March, 2018 in San Francisco, California.

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3 /s/ Hayes P. Hyde
4 Hayes P. Hyde
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on March 9, 2018. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 9th day of March 2018.

/s/ Hayes P. Hyde
Hayes P. Hyde